

**TOWN OF BARTLETT PLANNING BOARD**  
**PUBLIC HEARING**  
**January 3, 2018**

**Members Present:** Chairman Philip Franklin; David L. Patch; David Shedd; Scott Grant; Kevin Bennett. Peter Gagne arrived at 6:17 pm. **Members Absent:** David A. Patch.

**Also present:** Sean Shannon; Norman Head.

The meeting was opened at 6:00 pm by Chairman Philip Franklin, who reviewed the agenda. He explained how the New Year's Day holiday fell on the regularly-scheduled first Monday of the month, which is why this meeting had been rescheduled to Wednesday. Since Sean Shannon was in the audience to listen to Item 4, the Chairman suggested that Item 4 be moved to the first item on the agenda, so Mr. Shannon did not have to sit through the whole meeting. The board agreed with the Chairman's suggestion.

**Item 4. Discussion with Sean Shannon of Perm-a-Pave.** The Chairman noted we had received an email from Mary Pinkham-Langer in response to previous questions the board had asked her opinion on regarding a letter the board had received from Mr. Shannon. The board reviewed the email and a very long discussion resulted. David Shedd said part of his concern was the wearing-away of the commercial activities in terms of our regulations. He said this was a complicated situation in that there are five lots and there may be some question as to what their commercial potential was. Mr. Shedd said to simplify things, his opinion was that two of those lots were grandfathered for gravel operations. He noted the town has certain requirements governing the creation of a commercial lot, and he would have no objection if Mr. Shannon continued the gravel use. However, if he tried to change the activity to another commercial activity other than gravel, then he believed he would be subject to the requirements of 155-E in terms of reclamation. Mr. Shedd asked if that would be a problem for Mr. Shannon. Mr. Shannon asked whether Bob Holmes had ever filed applications to excavate on all of the lots or only on the two lots which Intent to Excavate notices are currently being submitted for, namely Lots 73R01 and 99R00. Mr. Shedd said Mr. Holmes had never filed a permit to excavate with the state and explained he did not need one originally because he started to excavate before our zoning went into effect and the town was not in a position to ask for one. Mr. Shedd went on to explain that 155-E came about in 1979 and it required gravel pit operators to obtain a permit to excavate within two years of the 1989 cut-off date. This permit was issued by the state, not the town. Mr. Shedd said Mr. Holmes apparently did not obtain this permit, a fact not brought-up by Ms. Pinkham-Langer in her letter. What her letter did say was that the town could only require a reclamation bond for the minimal portion of land that had not yet been disturbed, which she thought to be in the far right corner. Mr. Shannon said everything he was aware of had been excavated from the far right corner, as everything had been cleared and modified from its original state. From the audience, Norman Head asked for confirmation that if Mr. Shannon purchased the property and only mined the areas that had already been dug and did not touch the undisturbed areas, that no reclamation bond would be required by the town.

The board and Mr. Shannon continued with a long debate with strong opinions expressed by board members as to whether the commercial aspect of the lot would be lost should it change from a gravel operation to some other commercial venture such as storage units. If that were done but minimal gravel activities continued to take place, would that protect the commercial status if both were run simultaneously. Mr. Shannon also believed, as did his lawyer, that he was exempt from the reclamation requirements of 155-E since the pit was in operation prior to its inception. The board's opinion was that the person who eventually ended the gravel operations was responsible for reclaiming the pit and fulfilling the requirements of 155-E.

Since the board was unable to reach a resolution on these issues, a suggestion was made to seek the opinion of town counsel. A summarization of the questions needing clarification included the following: once gravel operations end, does the pit have to be reclaimed according to 155-E; if the use changes from anything other than a gravel pit, does it have to be reclaimed; can the gravel pit be run simultaneously with another operation on the same property; while Lot 703R01 has been used for gravel excavation even though it didn't have frontage onto Route 302, would it lose that commercial advantage if gravel operations ceased or the use changed. The Chairman instructed the secretary to write to town counsel and seek their help with the above questions.

**1. Review of Tower Resource Management's building permit application to replace antennae and associated equipment on Verizon Wireless' 40-ft. monopole on Attitash Mountain.**

The board reviewed the building permit and found it complied with the requirements of the town's telecommunications ordinance. A motion to that effect was made by Kevin Bennett; seconded by Scott Grant. Vote: All in favor. The selectmen will be informed of this decision so the building permit can be processed.

**2. Zoning Amendments:** The board reviewed the public notice for the proposed 2018 zoning amendment. Also reviewed was a petitioned article submitted by an outside party to allow health/sports club in the TRDA district through a special exception. The Chairman questioned why the planning board was involved with this and was told the planning board was required to provide the forum for a public hearing. After reading the public notice, the secretary was asked to add wording to make it clear that the petitioned article was being added as a special exception. Also discussed was whether the board had to take a stand to either support or not support the article, or whether members could abstain from making any decision. Norman Head checked the appropriate RSA which indicated the ballot was required to show the planning board's decision. Since there was the possibility that a lot of people could attend the public hearing, based on the number of people who signed the petition, the Chairman thought it would be appropriate to announce up-front that public comment would be limited to two minutes per speaker.

The board also revisited an amendment which the board supported unanimously at a public hearing last year, but which did not appear on the ballot due to a last-minute question regarding the wording. At that time it was agreed it would be brought up again this year with revised wording. The amendment would reduce the residential setback for single homes and duplexes on Routes 16, 302, and West Side Road from 115-ft. to 60-ft, the same as it is in all other areas of town. It was noted that West Side Road has not been classified as a commercial zone for many years since the former commercial classification was removed. However, when the commercial designation was removed it was neglected to also remove the commercial setback requirement, which this amendment is meant to remedy. It did not seem fair to the board that personal residences on West Side Road had to comply with a far-stricter setback than any other residence in town, especially when the area was zoned as Town Residential B with the exception of a small portion which was zoned industrial. A motion to add this item to the list of proposed 2018 amendments was made by David L. Patch; seconded by Scott Grant. Vote: All in favor.

**3. Review and Approve Minutes:** The minutes of the November 21 and December 4 meetings were reviewed. A motion to approve the November 21 minutes was made by Scott Grant; seconded by David L. Patch. Vote: All in favor. A motion to approve the December 4 minutes was made by Scott Grant; seconded by David Shedd. Vote: 5-0-1 with Peter Gagne abstaining since he had not attended the meeting. The December 19 work session was not held.

**5. Continuation/Final Approval: Attitash Mountain Service Co., (AMSCO), Block G, Stillings Grant:** File: 2013-1187. This is an application to reconvene review of a continued application to subdivide Block G into 40 residential units. Tax Map 5STLNG, Lot G00.

This application has been continued indefinitely until a review by the town engineer review is completed..

**6. Mail and Other Business:**

- Correspondence received from Mary Pinkham-Langer had been reviewed during the discussion with Sean Shannon.
- An email from Atty. Buckley of the NH Municipal Association regarding the Greg Tsoules' property was reviewed and discussed.
- Peter Gagne advised he would not be able to attend the January 16, 2018 meeting. Although he would not be available to vote, he indicated his support of the petitioned warrant article.

With no further business, a motion to adjourn was made by Scott Grant; seconded by David Shedd. Vote: All in favor. The meeting adjourned at 7:48 pm.

Respectfully submitted,  
Barbara Bush  
Recording Secretary